

APPEAL NO. 041426
FILED AUGUST 3, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 25, 2004. The hearing officer resolved the disputed issue by deciding that the compensable injury of _____, includes an injury to the low back. The appellant (carrier) appealed, arguing that no evidence supports the hearing officer's decision. The carrier alternatively argues that the extent-of-injury determination is against the overwhelming weight and preponderance of the evidence. The appeal file does not contain a response from the respondent (claimant).

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, to the neck and right shoulder. The sole issue before the hearing officer was whether the compensable injury included an injury to the low back. Extent of injury is a question of fact. There was conflicting testimony and medical evidence regarding the disputed issue. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Veronica L. Ruberto
Appeals Judge